IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 20497 of 2007

Between :

M/s. Ganga Wines,
A-4 Shop, D.No.4-3, Main Road,
Madnoor, Nizamabad District .. Petitioner
And

The Prohibition and Excise Superintedent,
Nizamabad and four others .. Respondents

Dated : 27th September 2007

JUDGMENT :

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents. With the consent of both the parties, the writ petition itself was heard finally and disposed of at the admission stage.

The writ petitioner was a licencee for running a retail liquor vend. The licence was granted in his favour on 23.6.2006 to run his shop at the Main road, Madnoor, Madnoor Village and Mandal of Nizamabad District. However, on the ground that non-duty paid liquor was available for sale at the licenced premises, the licence was cancelled by the Prohibition and Excise Superintendent, Kamareddy through his proceedings dated 31.7.2007, the appeal preferred there

against to the Commissioner of Prohibition and Excise has been dismissed through his proceedings dated 14.9.2007. Immediately, the writ petitioner had preferred a revision to the State Government in terms of Section 64 of the A.P.Excise Act on 21.9.2007 and along with the revision, a stay petition is also moved. But, however, no orders have been passed by the State Government so far. The matter is obviously receiving the attention of the State Government. In the mean time, the District Collector and Magistrate, Nizamabad, has published a notification dated 21.9.2007 proposing to conduct auction on 29.9.2007 for the period from 1.10.2007 to 30.6.2008 i.e., for the balance unexpired licence period. The learned counsel for the petitioner would urge that if ultimately the State Government was to allow his revision, he will be entitled to carry on his trade in accordance with the licence granted in his favour on 23.6.2006 and in the mean time any auction was to be conducted unnecessarily third party interests would creep in and would create problem in not being able to carry on his business at Madnoor village in terms of the licence granted at a later point of time.

I see considerable force in the submission made by the writ petitioner. Since the revision preferred by the writ petitioner is a remedy available to him in accordance with Section 64 of the A.P. Excise Act, it is only appropriate that the State Government would decide the same at the earliest, at any rate, within a period of two months from today after putting the petitioner on notice. Till such time, the liquor vend at Madnoor village and Mandal, Nizamabad District be not put to auction. With this writ petition stands disposed of.

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knk 27.09.2007

Note :

Operative portion by wire at party's costs

(b/o)

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